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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Status And Agenda For November 13,
2009 Hearing filed by USACM
Liquidating Trust**

Hearing Date: November 13, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 **1. Amended First Omnibus Objection Of USACM Trust To Proofs Of**
2 **Claim Based Upon Investment In The Arapahoe Land Investments, LP Loan**
3 **(Amended To Correct Exhibit):** 06-10725-lbr, USA Commercial Mortgage Company,
Chapter: 11

4 **Objection Filed:** Amended First Omnibus Objection filed by Marvin C. Ruth on
5 09/04/2009 behalf of USACM Trust [7567]

6 **Status** No response filed. The USACM Trust will ask the Court to
7 sustain the objection.

8 **2. Continued Status hearing to be held on 11/13/2009 at 09:30 AM at LBR-**
9 **Courtroom 1, Foley Federal Bldg.:** Adv. 08-01134-lbr USACM Liquidating Trust et al
v. Petersen et al: Lead case: 06-10725-lbr USA Commercial Mortgage Company

10 **Order Filed:** Order Continuing Status Hearing. Continued Status hearing to be
11 10/07/2009 held on 11/13/2009 at 09:30 AM at LBR-Courtroom 1, Foley
Federal Bldg. [135]

12 **Status** Ready to proceed

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14 **3. Objection to Claim 10725-00516 of Community Bank of Nevada in the**
15 **amount of \$461,170.32:** 06-10725-lbr, USA Commercial Mortgage Company.

16 **Objection Filed:** Objection filed by Jon Maxwell Beatty on behalf of USACM
17 06/02/2009 Liquidating Trust [7174]

18 **Status** Unopposed. The Trust will seek entry of an order disallowing the
claim of Community Bank of Nevada.

19 **4. Ninth Omnibus Objection Of USACM Liquidating Trust To Duplicate**
20 **Proofs Of Claim:** 06-10725-lbr, USA Commercial Mortgage Company, Chapter: 11

21 **Objection Filed:** Ninth Omnibus Objection filed by John Hinderaker on behalf of
22 10/14/2009 USACM Trust [7626]

23 **Status** No response filed. The USACM Trust will ask the Court to
24 sustain the objection.
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1 **5. First Omnibus Objection Of USACM Trust To Proofs Of Claim Based**
2 **Upon Investment In The Shamrock Tower LP Loan: 06-10725-lbr, USA Commercial**
3 **Mortgage Company, Chapter: 11**

4 **Objection Filed:** First Omnibus Objection filed by Marvin Ruth on behalf of
5 10/14/2009 USACM Trust [7629]

6 **Status** No response filed. The USACM Trust will ask the Court to
7 sustain the objection.

8 **6. Second Omnibus Objection Of USACM Trust To Proofs Of Claim**
9 **Based In Whole Or In Part Upon Investment In The Shamrock Tower LP Loan: 06-**
10 **10725-lbr, USA Commercial Mortgage Company, Chapter: 11**

11 **Objection Filed:** Second Omnibus Objection filed by Marvin C. Ruth on behalf of
12 10/14/2009 USACM Liquidating Trust [7631]

13 **Status** No response filed. The USACM Trust will ask the Court to
14 sustain the objection.

15 **7. Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based**
16 **In Whole Or In Part Upon Investment In The Shamrock Tower LP Loan: 06-10725-**
17 **lbr, USA Commercial Mortgage Company, Chapter: 11**

18 **Objection Filed:** Third Omnibus Objection filed by Marvin C. Ruth on behalf of
19 10/14/2009 USACM Trust [7633]

20 **Status** No response filed. The USACM Trust will ask the Court to
21 sustain the objection.

22 **8. Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim**
23 **Based In Whole Or In Part Upon Investment In The Shamrock Tower LP Loan : 06-**
24 **10725-lbr, USA Commercial Mortgage Company, Chapter: 11**

25 **Objection Filed:** Fourth Omnibus Objection filed By Marvin C. Ruth on behalf of
26 10/14/2009 USACM Trust [7635]

Status No response filed. The USACM Trust will ask the Court to
 sustain the objection.

1 **9. Motion for Relief from Stay Property:** 06-10725-lbr, USA Commercial
2 Mortgage Company, Chapter: 11

3 **Motion Filed:** Motion for Relief from Stay Property: APN 958-260-13 TO 017;
4 10/20/2009 958-260-019 TO 021; 958-260-022. Fee Amount \$150. Filed by
 Ambrish S. Sidhu on behalf of Amtrust Bank [7668]

5 **Status** The USACM Trust claims no interest in the subject matter of this
6 motion. The motion appears to be unopposed.

7 **10. Status hearing to be held on 11/13/2009 at 09:30 AM at LBR-Courtroom**
8 **1, Foley Federal Bldg.:** Adv. 08-01058-lbr USACM Liquidating Trust v. Los Valles
Land & Golf, LLC et al: Lead case: 06-10725-lbr USA Commercial Mortgage Company

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10 **Hearing** Hearing Scheduled/Rescheduled.
11 **Rescheduled:** Status hearing to be held on 11/13/2009 at 09:30 AM at LBR-
10/27/2009 Courtroom 1, Foley Federal Bldg. [103]

12 **Status** The USACM Trust will appear through counsel. The Court
13 recently granted defendants' Motion to Substitute Counsel and,
14 therefore, defendants will be represented at the status conference
15 by Mr. Jeffrey Costell. By minute entry dated October 27, 2009
16 [Case 08-01058-lbr Doc 102] the Court required that defendants
17 set forth objections to plaintiff's proposed form of order before
18 the status conference and be prepared to identify for the Court any
 matters that are to be adjudicated in the renewed motion for
 summary judgment scheduled for oral argument on December 18,
 2009.

19 **11. Scheduling Conference scheduled for 11/13/2009 at 09:30 AM at LBR-**
20 **Courtroom 1, Foley Federal Bldg.** Adv. 08-01121-lbr USACM Liquidating Trust v.
Fertitta Enterprises, Inc. et al: Lead case: 06-10725-lbr USA Commercial Mortgage
21 Company

22 **Order Filed:** Order Rescheduling Scheduling Conference. Scheduling
23 10/21/2009 Conference scheduled for 11/13/2009 at 09:30 AM at LBR-
 Courtroom 1, Foley Federal Bldg. [80]

24 **Status** Ready to proceed
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38. Amended First Omnibus Objection Of USACM Trust To Proofs Of Claim Based, In Whole Or In Part, Upon Investment In The Arapahoe Land Investments, LP Loan: 06-10725-lbr, USA Commercial Mortgage Company, Chapter:
11

Objection Filed: Amended First Omnibus Objection filed by Marvin C. Ruth on 09/24/2009
behalf of USACM Trust [7565]

Status	No response filed. The USACM Trust will ask the court to sustain the objection.
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Dated November 11, 2009.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker, AZ 18024
 Rob Charles, NV 6593
 John Hinderaker, AZ 18024 (*pro hac vice*)
Counsel for USACM Liquidating Trust

PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail postage prepaid on November 11, 2009 to the parties listed on Post-Effective Official Service List for Limited Notice No. 5 Dated March 31, 2009.

/s/ Leilani Lista
Leilani Lista